

GP # 1653
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

In re application of : Lawrence B. Sandberg et al.
Serial No. 09/580,893 Art Unit: 1653
Filing Date May 30, 2000
Docket No. 25812-14
Title : ASPARAGINE CONTAINING ELASTIN PEPTIDE ANALOGS



CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8*

I hereby certify that these papers is being deposited with the United States Postal Service with sufficient postage as "FIRST CLASS MAIL" in an envelope addressed to: Commissioner for Patents, Washington , D.C. 20231.

COPY OF PAPERS
ORIGINALLY FILED

November 2, 2001
(Date)

Ondrea Saffo
(type or print name of person mailing paper)

Signature

Documents Enclosed:

1. Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
2. A Copy of Notice to Comply.....
3. A hard copy of the correct sequencing;
4. A diskette containing the correct sequencing;
5. A Verification Statement;
6. A self-addressed, stamped postcard, return of which is requested to acknowledge receipt of the Response.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

5220 #1/A
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FEB 04 2002 2/21/02

TECH CENTER 1600/2900

Applicant: Lawrence B. Sandberg et al.
Serial No.: 09/580,893 Art Unit: 1653
Filed: May 30, 2000
Title: ASPARAGINE CONTAINING ELASTIN PEPTIDE ANALOGS
Docket No.: 25812-14

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR
PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE
AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231

Dear Sirs:

Submitted herewith, enclosed please find the following:

1. A copy of the Notice to Comply;
2. A hard copy of the correct sequence listing;
3. A diskette containing the correct sequence listing;
4. A Verification Statement;
5. A Certificate of Mailing;
6. A self-addressed, stamped postcard, return of which is requested to acknowledge receipt of the Response.

In response to the Notice to Comply mailed on October 2, 2001, Applicant herewith submits the sequence listing requested in accordance with 37 C.F.R. 1.821 or 1.825, in both computer readable form and paper copy of same, along with a statement that the content of the paper and computer readable copies are the same. A copy of the Notice to Comply is also enclosed for Examiner's convenience.

The Notice to Comply set a period for response of one month to expire November 2, 2001. Because this Response to Notice to Comply is being filed on November 2, 2001 with a proper Certificate of Mailing, this Response is timely filed without extension.

Applicant also draws Examiner's attention to the correct correspondence address to be used in connection with this application. As set forth in the Combined Declaration and Power of Attorney, submitted on October 11, 2000, kindly address all correspondence to the following:

Raymond A. Miller, Esq.
BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP
2300 BP Tower
200 Public Square
Cleveland, OH 44114-2378
Phone: (216) 363-4417
Fax: (216) 363-4588

Though no fees appear to be due in connection with this Response, the Commissioner is authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-2051.

Respectfully submitted,

BENESCH, FRIEDLANDER,
COPLAN & ARONOFF LLP

By: 

Raymond A. Miller
Reg. No. 42,891
2300 BP Tower
200 Public Square
Cleveland, Ohio 44114-2378
(216) 363-4417



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/580,893 05/30/00 SANDBERG

L 00-144-L/5
25810-14

EXAMINER

DAVENPORT, A

ART UNIT	PAPER NUMBER
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1653

DATE MAILED:

RECEIVED

FEB 04 2002

TECH CENTER 1600/2900

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademark



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

DEA/FCE-1894

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/580893			



EXAMINER	
Avis Davenport	
ART UNIT	PAPER NUMBER
1653	6

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application

Commissioner of Patents

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). A computer readable form (CRF) of the sequence listing was submitted. However, the CRF could not be processed by the Scientific and Technical Information Center (STIC) for the reason(s) set forth on the attached CRF Diskette Problem Report.

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached CRF Diskette Problem Report with the reply.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avis Davenport whose telephone number is (703) 308-4002. The examiner can normally be reached on Tuesday-Friday from 10:30 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr Christopher Low whose telephone number is 308-2923. The fax phone number for this Group is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Avis M. Davenport
AVIS M. DAVENPORT
PRIMARY EXAMINER
GROUP 1800/600

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: _

Applicant Must Provide:

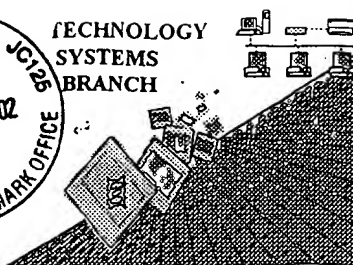
- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216 or (703) 308-2923
- For CRF Submission Help, call (703) 308-4212
- For PatentIn software Program Support:
 - HELP DESK: (703) 739-8559, ext 508, M-F, 8 AM to 5 PM EST except holidays
 - Email: PATIN21HELP@uspto.gov
 - To purchase PatentIn software: (703) 306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE

RAW SEQUENCE LISTING
ERROR REPORT



P#5

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/580,893A
Source: 1653
Date Processed by STIC: 3/27/2001

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.

PATENTIN 2.1 e-mail help: patin21help@uspto.gov or phone 703-306-4119 (R. Wax)

PATENTIN 3.0 e-mail help: patin3help@uspto.gov or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 3.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW:

Checker Version 3.0

The Checker Version 3.0 application is a state-of-the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 - 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO). Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be down loaded from the USPTO website at the following address:

<http://www.uspto.gov/web/offices/pac/checker>

Raw Sequence Listing Error Summary

ERROR DETECTED SUGGESTED CORRECTION

SERIAL NUMBER: 09/580,893A

ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE

- 1 Wrapped Nucleics The number/text at the end of each line "wrapped" down to the next line.
This may occur if your file was retrieved in a word processor after creating it.
Please adjust your right margin to .3, as this will prevent "wrapping".

- 2 Wrapped Aminos The amino acid number/text at the end of each line "wrapped" down to the next line.
This may occur if your file was retrieved in a word processor after creating it.
Please adjust your right margin to .3, as this will prevent "wrapping".

- 3 Incorrect Line Length The rules require that a line not exceed 72 characters in length. This includes spaces.

- 4 Misaligned Amino Acid Numbering The numbering under each 5th amino acid is misaligned. This may be caused by the use of tabs between the numbering. It is recommended to delete any tabs and use spacing between the numbers.

- 5 Non-ASCII This file was not saved in ASCII (DOS) text, as required by the Sequence Rules.
Please ensure your subsequent submission is saved in ASCII text so that it can be processed.

- 6 Variable Length Sequence(s) contain n's or Xaa's which represented more than one residue.
As per the rules, each n or Xaa can only represent a single residue.
Please present the maximum number of each residue having variable length and indicate in the (ix) feature section that some may be missing.

- 7 PatentIn ver. 2.0 "bug" A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequence(s) . Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies primarily to the mandatory <220>-<223> sections for Artificial or Unknown sequences.

- 8 Skipped Sequences (OLD RULES) Sequence(s) missing. If intentional, please use the following format for each skipped sequence:
(2) INFORMATION FOR SEQ ID NO:X:
(i) SEQUENCE CHARACTERISTICS:(Do not insert any headings under "SEQUENCE CHARACTERISTICS")
(xi) SEQUENCE DESCRIPTION:SEQ ID NO:X:
This sequence is intentionally skipped

Please also adjust the "(iii) NUMBER OF SEQUENCES:" response to include the skipped sequence(s).

- 9 Skipped Sequences (NEW RULES) Sequence(s) missing. If intentional, please use the following format for each skipped sequence.
<210> sequence id number
<400> sequence id number
000

- 10 Use of n's or Xaa's (NEW RULES) Use of n's and/or Xaa's have been detected in the Sequence Listing.
Use of <220> to <223> is MANDATORY if n's or Xaa's are present.
In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.

- 11 Use of <213>Organism (NEW RULES) Sequence(s) are missing this mandatory field or its response.

- 12 Use of <220>Feature (NEW RULES) Sequence(s) are missing the <220>Feature and associated headings.
Use of <220> to <223> is MANDATORY if <213>ORGANISM is "Artificial" or "Unknown"
Please explain source of genetic material in <220> to <223> section.
(See "Federal Register," 6/01/98, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of new Rules)

- 13 PatentIn ver. 2.0 "bug" Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing).
Instead, please use "File Manager" or any other means to copy file to floppy disk.

1653

RAW SEQUENCE LISTING
PATENT APPLICATION: US/09/580,893A

DATE: 03/27/2001
TIME: 07:31:02

Input Set : A:\00144us1.app
Output Set: N:\CRF3\03272001\I580893A.raw

Does Not Comply
Corrected Diskette Needed

3 <110> APPLICANT: SANDBERG, LAWRENCE B.
4 MITTS, THOMAS F.
5 JIMENEZ JR., FELIPE
7 <120> TITLE OF INVENTION: ASPARAGINE CONTAINING ELASTIN PEPTIDE ANALOGS
9 <130> FILE REFERENCE: 00-144-US
11 <140> CURRENT APPLICATION NUMBER: 09/580,893A
12 <141> CURRENT FILING DATE: 2000-05-30
14 <160> NUMBER OF SEQ ID NOS: 75
16 <170> SOFTWARE: PatentIn Ver. 2.1
18 <210> SEQ ID NO: 1
19 <211> LENGTH: 3
20 <212> TYPE: PRT
21 <213> ORGANISM: mammalian
23 <400> SEQUENCE: 1
24 Ala Val Gly
25 1
28 <210> SEQ ID NO: 2
29 <211> LENGTH: 4
30 <212> TYPE: PRT
31 <213> ORGANISM: mammalian
33 <400> SEQUENCE: 2
34 Val Gly Ala Gly
35 1
38 <210> SEQ ID NO: 3
39 <211> LENGTH: 3
40 <212> TYPE: PRT
41 <213> ORGANISM: mammalian
43 <400> SEQUENCE: 3
44 Ile Gly Gly
45 1
48 <210> SEQ ID NO: 4
49 <211> LENGTH: 2
50 <212> TYPE: PRT
51 <213> ORGANISM: mammalian
53 <400> SEQUENCE: 4
54 Leu Gly
55 1
58 <210> SEQ ID NO: 5
59 <211> LENGTH: 4
60 <212> TYPE: PRT
61 <213> ORGANISM: mammalian
63 <400> SEQUENCE: 5
64 Ile Gly Ala Gly
65 1
68 <210> SEQ ID NO: 6
69 <211> LENGTH: 3
70 <212> TYPE: PRT

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RAW SEQUENCE LISTING DATE: 03/27/2001
PATENT APPLICATION: US/09/580,893A TIME: 07:31:02

Input Set : A:\00144us1.app
Output Set: N:\CRF3\03272001\I580893A.raw

71 <213> ORGANISM: mammalian
73 <400> SEQUENCE: 6
74 Leu Gly Gly
75 1
78 <210> SEQ ID NO: 7
79 <211> LENGTH: 4
80 <212> TYPE: PRT
81 <213> ORGANISM: mammalian
83 <400> SEQUENCE: 7
84 Val Ala Pro Gly
85 1
88 <210> SEQ ID NO: 8
89 <211> LENGTH: 4
90 <212> TYPE: PRT
91 <213> ORGANISM: mammalian
93 <400> SEQUENCE: 8
94 Leu Gly Pro Gly
95 1
98 <210> SEQ ID NO: 9
99 <211> LENGTH: 4
100 <212> TYPE: PRT
101 <213> ORGANISM: mammalian
103 <400> SEQUENCE: 9
104 Leu Gly Ala Gly
105 1
108 <210> SEQ ID NO: 10
109 <211> LENGTH: 4
110 <212> TYPE: PRT
111 <213> ORGANISM: mammalian
113 <400> SEQUENCE: 10
114 Val Gly Pro Gly
115 1
118 <210> SEQ ID NO: 11
119 <211> LENGTH: 4
120 <212> TYPE: PRT
121 <213> ORGANISM: mammalian
123 <400> SEQUENCE: 11
124 Phe Gly Pro Gly
125 1
128 <210> SEQ ID NO: 12
129 <211> LENGTH: 4
130 <212> TYPE: PRT
131 <213> ORGANISM: mammalian
133 <400> SEQUENCE: 12
134 Val Gly Pro Gln
135 1
138 <210> SEQ ID NO: 13
139 <211> LENGTH: 3
140 <212> TYPE: PRT

RAW SEQUENCE LISTING
PATENT APPLICATION: US/09/580,893A DATE: 03/27/2001
TIME: 07:31:02

Input Set.: A:\00144us1.app
Output Set: N:\CRF3\03272001\I580893A.raw

141 <213> ORGANISM: mammalian
143 <400> SEQUENCE: 13
144 Leu Gly Ala
145 1
148 <210> SEQ ID NO: 14
149 <211> LENGTH: 4
150 <212> TYPE: PRT
151 <213> ORGANISM: mammalian
153 <400> SEQUENCE: 14
154 Val Gly Pro Ala
155 1
158 <210> SEQ ID NO: 15
159 <211> LENGTH: 4
160 <212> TYPE: PRT
161 <213> ORGANISM: mammalian
163 <400> SEQUENCE: 15
164 Val Val Pro Gly
165 1
168 <210> SEQ ID NO: 16
169 <211> LENGTH: 4
170 <212> TYPE: PRT
171 <213> ORGANISM: mammalian
173 <400> SEQUENCE: 16
174 Ala Val Pro Gly
175 1
178 <210> SEQ ID NO: 17
179 <211> LENGTH: 4
180 <212> TYPE: PRT
181 <213> ORGANISM: mammalian
183 <400> SEQUENCE: 17
184 Val Val Pro Gln
185 1
188 <210> SEQ ID NO: 18
189 <211> LENGTH: 6
190 <212> TYPE: PRT
191 <213> ORGANISM: mammalian
193 <400> SEQUENCE: 18
194 Val Ala Ala Arg Pro Gly
195 1 5
198 <210> SEQ ID NO: 19
199 <211> LENGTH: 7
200 <212> TYPE: PRT
201 <213> ORGANISM: mammalian
203 <400> SEQUENCE: 19
204 Leu Gly Ala Gly Gly Ala Gly
205 1 5
208 <210> SEQ ID NO: 20
209 <211> LENGTH: 4
210 <212> TYPE: PRT

RAW SEQUENCE LISTING DATE: 03/27/2001
 PATENT APPLICATION: US/09/580,893A TIME: 07:31:02

Input Set : A:\00144us1.app
 Output Set: N:\CRF3\03272001\I580893A.raw

211 <213> ORGANISM: mammalian
 213 <400> SEQUENCE: 20
 214 Ala Ile Pro Gly
 215 1
 218 <210> SEQ ID NO: 21
 219 <211> LENGTH: 5
 220 <212> TYPE: PRT
 221 <213> ORGANISM: mammalian
 223 <400> SEQUENCE: 21
 224 Leu Gly Pro Gly Gly
 225 1 5
 228 <210> SEQ ID NO: 22
 229 <211> LENGTH: 5
 230 <212> TYPE: PRT
 231 <213> ORGANISM: mammalian
 233 <400> SEQUENCE: 22
 234 Ala Ala Ala Gln Ala
 235 1 5
 238 <210> SEQ ID NO: 23
 239 <211> LENGTH: 5
 240 <212> TYPE: PRT
 241 <213> ORGANISM: mammalian
 243 <220> FEATURE:
 244 <221> NAME/KEY: MOD_RES
 245 <222> LOCATION: (4)
 247 <400> SEQUENCE: 23
 W--> 248 Val Gly Val Xaa Gly
 249 1 5
 252 <210> SEQ ID NO: 24
 253 <211> LENGTH: 5
 254 <212> TYPE: PRT
 255 <213> ORGANISM: mammalian
 257 <400> SEQUENCE: 24
 258 Val Tyr Pro Gly Gly
 259 1 5
 262 <210> SEQ ID NO: 25
 263 <211> LENGTH: 6
 264 <212> TYPE: PRT
 265 <213> ORGANISM: mammalian
 267 <400> SEQUENCE: 25
 268 Ile Gly Gly Val Gly Gly
 269 1 5
 272 <210> SEQ ID NO: 26
 273 <211> LENGTH: 6
 274 <212> TYPE: PRT
 275 <213> ORGANISM: mammalian
 277 <400> SEQUENCE: 26
 278 Val Ala Pro Gly Val Gly
 279 1 5

what does Xaa represent? Explain in <223> response.

(See item 10 on Error Summary sheet)

VERIFICATION SUMMARY

DATE: 03/27/2001

PATENT APPLICATION: US/09/580,893A

TIME: 07:31:03

Input Set : A:\00144us1.app

Output Set: N:\CRF3\03272001\I580893A.raw

L:248 M:258 W: Mandatory Feature missing, <223> not found for SEQ ID#:23
L:248 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:23
L:362 M:258 W: Mandatory Feature missing, <223> not found for SEQ ID#:34
L:362 M:340 W: (46) "n" or "Xaa" used: Feature required, for SEQ ID#:34